



13 MAY 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Fulbright & Jaworski LLP
666 Fifth Avenue
New York, NY 10103

In re Application of
WIETZORECK, Hardy et al.
Application No.: 09/980,910
PCT No.: PCT/EP01/02498
Int. Filing Date: 06 March 2001
Priority Date: 07 March 2000
Attorney Docket No.: DNAG 224-PFF/JRC
For: METHOD FOR APPLYING A
PHOSPHATE COVERING AND USE
OF METAL PARTS THUS
PHOSPHATED

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Request to Withdraw Abandonment," filed on 01 March 2004.

BACKGROUND

On 06 March 2001, applicant filed international application PCT/EP01/02498. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 September 2001. The deadline for entry into the national stage in the United States was thirty months from the priority date, 07 November 2001.

On 02 November 2001, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by the basic national fee.

On 30 January 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and a translation of the international application into English were required.

On 27 February 2004, the Office mailed Notice of Abandonment indicating that the application went abandoned for failure to reply to the 30 January 2002 Notice.

On 01 March 2004, applicants submitted the instant petition accompanied by a postcard receipt, a translation and a declaration.

DISCUSSION

A petition under 37 CFR 1.181 must be accompanied by copies of what is claimed to have been earlier submitted and evidence that those papers were submitted at an earlier point.

Applicant has submitted a copy of a postcard receipt identifying the instant application by serial number and docket number, stamped 26 February 2002 and listing a translation and a declaration. This is adequate evidence that the listed items were received by the Office on 26 February 2002. Applicant indicates that the enclosed are true copies of the 26 February 2002 submissions and the statement is signed by someone registered to practice before the Office.

The declaration submitted on 26 February 2002 satisfies the requirements of 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The date under date under 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) date is 26 February 2002.



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459